

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WADE K. MARLER, DDS, *et al.*,

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

NO. 2:20-cv-00616-BJR

KARA MCCULLOCH DMD MSD PLLC, *et al.*,

Plaintiffs,

v.

VALLEY FORGE INSURANCE
COMPANY, *et al.*,

Defendants.

NO. 2:20-cv-00809-BJR

CABALLERO,

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE
COMPANY,

Defendant.

NO. 2: 20-cv-05437-BJR

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 1

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

CHORAK, *et al.*,

Plaintiffs,

v.

HARTFORD CASUALTY INSURANCE
COMPANY, *et al.*,

Defendants.

NO. 2:20-CV-00627-BJR

PACIFIC ENDODONTICS, P.C., *et al.*,

Plaintiffs,

v.

OHIO CASUALTY INSURANCE
COMPANY, *et al.*,

Defendants.

NO. 2:20-CV-00620-BJR

NGUYEN, *et al.*,

Plaintiffs,

v.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA, *et al.*,

Defendants.

NO. 2:20-cv-00597-BJR

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 2

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

LA COCINA DE OAXACA LLC,

Plaintiff,

v.

TRI-STATE INSURANCE COMPANY OF
MINNESOTA,

Defendant.

NO. 2:20-CV-01176-BJR

MARK GERMACK DDS,

Plaintiff,

v.

THE DENTISTS INSURANCE COMPANY,

Defendant.

NO. 2:20-CV-0661-BJR

STIPULATION

Whereas,

1. From April through November of 2020, the plaintiffs in the above-captioned cases filed original complaints for business interruption insurance coverage in this district. Certain of these actions were stayed for periods of time pending review of the actions by the Judicial Panel on Multidistrict Litigation (JPML) for potential consolidation and transfer.

2. After the JPML denied consolidation, the Court by order dated November 10, 2020, consolidated cases in this district by insurer family, and stayed discovery in each of the consolidated cases until such time as the Court rules on dispositive motions.

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 3

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

1 3. On November 24, 2020, the Court granted the parties' Stipulated Motions for
2 Amended Complaints and Briefing of Dispositive Motions and ordered amended complaints in
3 the consolidated actions be filed no later than November 25, and that the briefing of dispositive
4 motions in each of the consolidated cases be completed by March 5, 2021.

5 4. Under Local Rule 23(i)(3), there is a deadline to file a motion for class
6 certification within 180 days of filing a complaint.

7
8 **Now, therefore**, in light of the Court's orders, including the current discovery stay until
9 the Court rules on dispositive motions, counsel for the parties agree that good cause exists to
10 continue the date upon which the Plaintiffs shall file their motions for class certification pursuant
11 to Local Civil Rule 23(i)(3).

12 The parties stipulate and request that a comprehensive case schedule, including deadlines
13 for fact and expert discovery and (for class action cases) the filing of a motion for class
14 certification, be set by the Court, if necessary, after the Court rules on the dispositive motions.

15
16 **ORDER**

17 Having reviewed the parties' stipulation, and finding that good cause exists for the
18 requested relief from LCR 23(i)(3), the Court will, if necessary, issue a case schedule setting
19 deadlines for fact and expert discovery and for Plaintiffs (in the class action cases) to file their
20 motions for class certification in the above-referenced actions after the Court rules on the
21 dispositive motions, which are scheduled to be fully briefed and filed no later than March 5,
22 2021, pursuant to the Court's November 24, 2020 Scheduling Order entered in the actions.

23
24 DATED this 7th day of January, 2021.

25
26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 4

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384



Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE

Presented By:

KELLER ROHRBACK L.L.P.

By: s/ Amy Williams-Derry

By: s/ Lynn L. Sarko

By: s/ Gretchen Freeman Cappio

By: s/ Ian S. Birk

By: s/ Irene M. Hecht

By: s/ Karin B. Swope

By: s/ Nathan L. Nanfelt

Amy Williams-Derry, WSBA #28711
Lynn Lincoln Sarko, WSBA #16569
Gretchen Freeman Cappio, WSBA #29576
Ian S. Birk, WSBA #31431
Irene M. Hecht, WSBA #11063
Karin B. Swope, WSBA #24015
Nathan Nanfelt, WSBA #45273
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Telephone: (206) 623-1900
Fax: (206) 623-3384
Email: awilliams-derry@kellerrohrback.com
Email: lsarko@kellerrohrback.com
Email: gcappio@kellerrohrback.com
Email: ibirk@kellerrohrback.com
Email: ihecht@kellerrohrback.com
Email: kswope@kellerrohrback.com
Email: mfalecki@kellerrohrback.com
Email: nnanfelt@kellerrohrback.com

By: s/ Alison Chase

Alison Chase, *pro hac vice forthcoming*
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Telephone: (805) 456-1496
Fax: (805) 456-1497
Email: achase@kellerrohrback.com

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 5

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

Attorneys for Plaintiffs Nguyen et al., Pacific Endodontics, et al., Chorak et al., Marler et al., McCulloch, et al., Caballero, Germack, La Cocina de Oaxaca LLC, Owens Davies, P.S., and The Seattle Symphony Orchestra

**RUIZ & SMART
PLAINTIFF LITIGATION PLLC**

By: s/ William C. Smart

By: s/ Isaac Ruiz

By: s/ Kathryn Knudsen

William C. Smart, WSBA #8192

Isaac Ruiz, WSBA #35237

Kathryn M. Knudsen, WSBA #41075

Email: wsmart@plaintifflit.com

Email: iruiz@plaintifflit.com

Email: kknudsen@plaintifflit.com

Attorneys for Plaintiffs Jennifer Strelow, DMD and Shokofeh Tabaraie DDS PLLC

HACKETT, BEECHER & HART

By: s/ Brent W. Beecher

Brent W. Beecher, WSBA #31095

601 Union Street, Suite 2600

Seattle, WA 98101

Telephone: (206) 787-1830

Email: bbeecher@hackettbeecher.com

Attorneys for Seattle Bakery, LLC, CSQBKR2018, LLC, Piroshky Piroshky Baker, LLC, Piroshky Baking Company, LLC, SCRBKR2017, LLC

THE LOYD LAW FIRM, P.L.L.C.

By: s/ Shannon Loyd

Shannon Loyd

12703 Spectrum Drive, Suite 201

San Antonio, Texas 78249

Telephone: (210) 775-1424

Facsimile: (210) 775-1410

Email: shannon@theloydlawfirm.com

Attorneys for Plaintiff J Bells LLC

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 6

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

TELEPHONE: (206) 623-1900

FACSIMILE: (206) 623-3384

**GORDON TILDEN THOMAS &
CORDEL LLP**

By: s/ Mark A. Wilner
Mark A. Wilner, WSBA #31550
One Union Square
600 University Street, Suite 2915
Seattle, WA 98101
Telephone: (206) 467-6477
Fax: (206) 467-6292
Email: <mailto:fcordell@gordontilden.com>
mwilner@gordontilden.com

*Attorneys for Plaintiffs Suneet Bath,
Noskenda Inc.*

**GORDON TILDEN THOMAS &
CORDEL LLP**

By: s/ Franklin D. Cordell
By: s/ Kasey D. Huebner
Franklin D. Cordell, WSBA #26392
Kasey D. Huebner, WSBA #32890
One Union Square
600 University Street, Suite 2915
Seattle, WA 98101
Telephone: (206) 467-6477
Fax: (206) 467-6292
Email: fcordell@gordontilden.com
Email: khuebner@gordontilden.com

*Attorneys for Plaintiff The Seattle Symphony
Orchestra*

SIDLEY AUSTIN LLP

By: s/ Robin E. Wechkin
Robin E. Wechkin, WSBA No. 24746
1420 Fifth Avenue, Suite 1400
Seattle, WA 98101
Telephone: (415) 439-1799
Email: rwechkin@sidley.com

Yvette Ostolaza (pro hac vice)
Yolanda C. Garcia (pro hac vice)
2021 McKinney Avenue, Suite 2000
Dallas, Texas 75201

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 7

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

Telephone: (214) 981-3401
Facsimile: (214) 981-3400
Email: yvette.ostolaza@sidley.com
Email: ygarcia@sidley.com

Attorneys for Defendant Aspen American Insurance Company

DLA PIPER LLP (US)

By: s/ Anthony Todaro
By: s/ Lianna M. Bash
Anthony Todaro, WSBA No. 30391 Lianna
Bash, WSBA No. 52598
701 Fifth Avenue, Suite 6900
Seattle, Washington 98104-7029
Tel: 206.839.4800
Fax: 206.839.4801
E-mail: anthony.todaro@us.dlapiper.com
E-mail: lianna.bash@us.dlapiper.com

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: s/ H. Christopher Boehning
By: s/ Elizabeth M. Sacksteder
By: s/ Daniel H. Levi
By: s/ Hallie S. Goldblatt
H. Christopher Boehning (pro hac vice)
Elizabeth M. Sacksteder (pro hac vice)
Daniel H. Levi (pro hac vice)
Hallie S. Goldblatt (pro hac vice)
1285 Avenue of the Americas
New York, New York 10019-6064
Tel: 212.373.3000
Fax: 212.757.3990
E-mail: cboehning@paulweiss.com
E-mail: esacksteder@paulweiss.com
E-mail: dlevi@paulweiss.com
E-mail: hgoldblatt@paulweiss.com

Attorneys for Defendants Valley Forge Insurance Company and Transportation Insurance Company
FORSBERG & UMLAUF, P.S.

By: s/ Matthew S. Adams
Matthew S. Adams
901 Fifth Avenue, Suite 1400
Seattle, WA 98164

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 8

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

Telephone: 206-689-8500
Fax: 206-689-8501
Email: madams@foum.law

STEPTOE & JOHNSON LLP

Sarah D. Gordon (*pro hac vice* forthcoming)
1330 Connecticut Avenue, NW
Telephone: (202) 429-3000
Facsimile: (202) 429-3902
Email: sgordon@steptoe.com

Anthony J. Anscombe (*pro hac vice* forthcoming)
One Market Plaza
Spear Tower, Suite 3900
San Francisco, CA 94105
Telephone: (415) 365-6700
Facsimile: (312) 577-1370
Email: aanscombe@steptoe.com

Attorneys for Defendants Sentinel Insurance Company, Ltd. and Hartford Casualty Insurance Company

BAKER & HOSTETLER LLP

By: s/ James R. Morrison
James R. Morrison, WSBA No. 43043
999 Third Avenue, Suite 3900
Seattle, WA 98104-4040
Phone: (206) 332-1380
E-mail: jmorrison@bakerlaw.com

ALSTON & BIRD LLP

By: s/ Cari K. Dawson
Cari K. Dawson (*pro hac vice*) Kara
F. Kennedy (*pro hac vice*)
1201 W. Peachtree St.
Atlanta, GA 30309
Phone: (404) 881-7000
Email: cari.dawson@alston.com
Email: kara.kennedy@alston.com

Attorneys for Defendants American Fire and Casualty Company, The Ohio Casualty Insurance Company, and Ohio Security Insurance Company

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 9

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

BULLIVANT HOUSER BAILEY, PC

By: s/ John D. Bennett

John A. Bennett, WSBA #33214
Stuart D. Jones (pro hac vice)
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: john.bennett@bullivant.com
E-mail: stuart.jones@bullivant.com

WIGGIN AND DANA LLP

By: s/ Michael Menapace

Michael Menapace (pro hac vice)
Robyn Gallagher (pro hac vice)
20 Church Street
Hartford, Connecticut 06103
Tel.: (860) 297-3700
E-mail: mmenapace@wiggins.com
E-mail: rgallagher@wiggins.com

Attorneys for Defendant Massachusetts Bay Insurance Company

By: s/ Daniel R. Bentson

By: s/ Owen R. Mooney

Daniel R. Bentson, WSBA #36825 Owen
R. Mooney, WSBA #45779
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: dan.bentson@bullivant.com
E-mail: owen.mooney@bullivant.com

ROBINSON & COLE LLP

By: s/ Wylan M. Ackerman

Wylan M. Ackerman (pro hac vice)
Stephen E. Goldman (pro hac vice)
280 Trumbull Street
Hartford, CT 06103
Telephone: (860) 275-8388
Email: wackerman@rc.com
Email: sgoldman@rc.com

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 10

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

*Attorneys for Defendants Travelers Casualty
Insurance Company of America, The Travelers
Indemnity Co. of America, and The Charter Oak
Fire Insurance Company*

BULLIVANT HOUSER BAILEY, PC

By: s/ John A. Bennett
John A. Bennett, WSBA #33214
Stuart D. Jones (pro hac vice)
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: john.bennett@bullivant.com
E-mail: stuart.jones@bullivant.com

STEPTOE & JOHNSON LLP

By: s/ Antonia B. Ianniello
Antonia B. Ianniello (pro hac vice)
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 429-8087
Facsimile: (202) 429-3902
Email: aianniello@steptoe.com

By: s/ Darlene K. Alt
Darlene K. Alt (pro hac vice)
227 West Monroe Street, Ste.
4700 Chicago, Illinois 60606
Telephone: (312) 577-1262
E-mail: dalt@steptoe.com

*Attorneys for Defendant Tri-State Insurance
Company of Minnesota*
4833-1011-8358, v. 1

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 11

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384